

MEMORANDUM

December 2, 2005

TO: THE LOS ANGELES COUNTY CLAIMS BOARD

FROM: LAW OFFICES OF MARC WODIN
MARC WODIN

PHILIP S. MILLER
Assistant County Counsel
General Litigation Division

RE: Linda Alegria v. County of Los Angeles, et al.
Los Angeles Superior Court Case No. KC 044503

DATE OF
INCIDENT: July 18, 2002

AUTHORITY
REQUESTED: \$150,000


COUNTY
DEPARTMENT: Sheriff

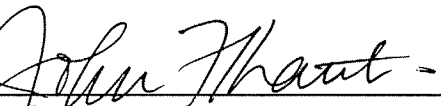
CLAIMS BOARD ACTION:

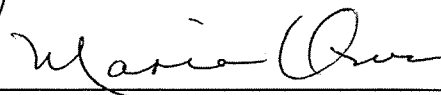
☐ Approve

☐ Disapprove

☒ Recommend to Board of
Supervisors for Approval


_____, Chief Administrative Office
ROCKY ARMFIELD


_____, County Counsel
JOHN F. KRATTLI


_____, Auditor-Controller
MARIA M. OMS

on January 10, 2006

SUMMARY

This is a recommendation to settle for \$150,000 the lawsuit of Linda Alegria for injuries she sustained when the vehicle she was driving was struck by a Sheriff's patrol unit.

LEGAL PRINCIPLE

A public entity is responsible for the negligent acts of its employees when the acts are done in the course and scope of employment.

SUMMARY OF FACTS

Linda Alegria was driving on Grand Avenue in the City of Covina when a Sheriff's patrol unit, traveling with lights and siren activated, but on the wrong side of the road, approached her from the rear. Because Ms. Alegria had her windows up and her air conditioning on, she did not hear the patrol unit approaching from the rear.

Ms. Alegria, who was stopped in the left lane waiting to make a left turn, noted a break in on coming traffic and began her left turn. Very shortly after she began her left turn, the driver's side of her vehicle was struck by the patrol unit.

The Sheriff's Department determined that this accident was preventable by the Deputy. The Covina Police Department determined the Deputy was at fault in the accident, due to unsafe speed.

DAMAGES

Ms. Alegria was airlifted from the scene to a local hospital. She was diagnosed as having suffered a concussion, neck sprain with nerve involvement, back sprain, a right hip injury (which eventually developed into bursitis) and a chest contusion. She was also diagnosed with acute blood clots in her legs.

She was employed as a Union Organizer at the time of the accident, earning approximately \$50,000 a year. The examination by an agreed medical examiner concluded her injuries required her being off the job for two years following the accident and would limit her ability to return to her prior job at any time.

Ms. Alegria's medical expenses exceed \$25,000. Her economist estimates her loss of earnings to date at \$112,500.00, with continuing loss of

earnings in the amount of \$670,000 from her inability to return to her work as a Union Organizer.

Should this matter proceed to trial, we anticipate Linda Alegria will offer evidence of damages as follows:

Past medical expenses	\$ 25,000
Future medical expenses	\$ 8,000
Past loss of earnings	\$112,500
Future loss of earnings	<u>\$670,000</u>
Total	\$815,500

STATUS OF CASE

Trial was initially scheduled on September 27, 2005. The trial date was continued to allow action on this proposed settlement.


Expenses incurred by the County in defense of this matter are attorneys' fees in the amount of \$29,074.50 and costs in the amount of \$59,059.44. The significant costs were incurred as a result of the need to retain a psychiatrist, a neurologist, a neuropsychologist and two orthopaedic surgeons to examine Ms. Alegria in connection with her alleged injuries. Additionally, a vocational rehabilitation expert and an economist were retained to refute Ms. Alegria's alleged loss of earning claim. Each of the plaintiff's experts in these various areas was deposed, as were the County's experts.

EVALUATION

This is a case of adverse liability. Both the Sheriff's Department and the City of Covina Police determined the Deputy was the cause of the accident.

We join our third party administrator, Carl Warren & Company, in recommending a settlement of this matter in the amount of \$150,000. The Sheriff's Department concurs in the recommendation.

APPROVED:



PHILIP S. MILLER
Assistant County Counsel
General Litigation Division

PSM:eaw